

**FILED**

**MAR 11 2008**

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

1 Jeffrey W. Tam  
2 408 Yorkshire Road  
3 Alameda, Ca 94501  
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6 Date: March 10, 2008  
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8 To: Clerk, United States District Court  
9 450 Golden Gate Avenue, Box 36060  
10 San Francisco, California 94102  
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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 JEFFREY W. TAM	No. 07-2747 SI
17 Plaintiff	EMPLOYMENT DISCRIMINATION
18 v.	COMPLAINT - MOTION TO FILE HATE CRIME
19 JOHN E. POTTER	
20 Defendant	Date: March 10, 2008

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23 Re: Jeffrey W. Tam v. John E. Potter, Postmaster General, United States Postal Services  
24 C07-02747 SI  
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26 Pursuant to the Federal Rule of Civil Procedure 15(a), plaintiff is amending the  
27 Case No. C07-02747 JCS. Motion to file Hate Crime  
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29 Due to the defendant's hatred action, continuously to set harsh working schedules, plaintiff  
30 requests the motion to file hate crime against the plaintiff.  
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- 32 1 Complainant's requests for a reassignment of a driving position and for a promotion were  
33 denied.  
34 2 On February 2, 2005, complainant's request to make changes in his work schedule was  
35 denied.  
36 3 On January 27, 2005, complainant's request for annual leave from February 9 through  
37 11, 2005 was denied.  
38 4 On February 12, 2005, management did not call complainant in for overtime.  
39 5 On September 23, 2004, the manager approached complainant and intimidated him by  
40 telling him, he wants to fight against the system.  
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No. 07-2747 SI

EMPLOYMENT DISCRIMINATION

COMPLAINT - AMENDMENT

- 6 To reinstate the # 5 complaint that the manager approached and intimidated me by telling me to file a complaint or lawsuit. The manager did not intimidate other employees who have filed the complaints.
- 7 Contract violation, violate the Collective Bargaining Agreement between American Postal Worker Union, AFL-CIO and U.S. Postal Service, Article I Section 6 - Performance of Bargaining Unit Work. Article 8 - Hours of Work, Article 14 - Safety and Health Article 33 - Promotion, Article 34 - Work and/or Time Standard and Article 39 - Moter Vehicle Craft.
- 8 Harrassment.
- 9 Human Right violation
- The defendant maliciously set me the harsh working hours for the plaintiff. The defendant intentionally violate the national agreement. The plaintiff is seeking for the purity damages.
- 10 Create mental stress for the Plaintiff
- 11 Hate crime against the Plaintiff.

1 **CASE NO. 07-02747 SI**

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3 **CERTIFICATE OF SERVICE**

4 The undersigned hereby certifies that he is an employee of the United  
5 States Postal Services. The undersigned certifies that this complaint is  
6 served by First Class Mail.

7  
8 Clerk, United States District Court  
9 450 Golden Gate Avenue, Box 36060  
10 San Francisco, California 94102  
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13  
14 I declare under penalty of perjury under the laws of the United States  
15 that the foregoing is true and correct.

16 Executed on March 10, 2008 at Alameda, California  
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20 Jeffrey W. Tam

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22 408 Yorkshire Road  
23 Alameda, Ca 94501  
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United States Attorney  
Northern District of California

9th Floor, Federal Building  
450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495

(415) 436-6967  
FAX: (415) 436-6748

February 29, 2008

**Via First Class Mail**

Jeffrey W Tam  
408 Yorkshire Road  
Alameda, CA 94501

Re: Jeffrey W. Tam v. John E. Potter, Postmaster General, United States Postal Service  
C 07-02747 SI

Dear Mr. Tam,


I write to respond to your February 19, 2008 and February 27, 2008 Employment Discrimination Complaint - Amendment #2. Pursuant to Federal Rule of Civil Procedure 15(a), because defendant has already answered your complaint, you may only amend your complaint by leave of court or written consent of defendant. While defendant will consider your proposal to amend the complaint to include an allegation that "create mental stress for the Plaintiff," defendant does not consent to your proposal to include "Hate crime against the Plaintiff" because it fails to state a claim. It appears that you are seeking leave to file criminal charges in a civil lawsuit.

I also write in response to your objections that defendant failed to provide the "original bid assignment sheet with the driver signatures for year 2002" and various information regarding listed "candidates who became the Bulk Mail Supervisors." First, as I have previously explained, defendant cannot produce the original of any document to you. Rather, defendant has produced true copies of documents responsive to your requests. Second, the information described in your January 8, 2008 objections regarding the listed "candidates who became the Bulk Mail Supervisors" has not been the subject of any of your discovery requests.

Should you have any questions or concerns about the foregoing, please contact me at (415) 436-6967.

Very truly yours,

JOSEPH R. RUSSONIELLO  
United States Attorney

  
JENNIFER S WANG  
Assistant United States Attorney